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OFFICE OF PETITIONS
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ON PETITION

In re Smith
Patent No. 5,598,947
Application No. 08/377,449
Filed: January 24, 1995
Issued: February 4, 1997
For: AUTOMATIC HOT FOOD VENDING
MACHINE

This is a decision on the petition filed February 13, 2001, and supplemented in March of 2001, under 37 CFR 1.378(c)¹ to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The patent issued February 4, 1997. The last day of the grace period for paying the 3.5 year maintenance fee was February 4, 2001. Therefore, since this petition was filed within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), this petition was timely filed under the provisions of 37 CFR 1.378(c).

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

This file is being forwarded to Files Repository.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ Petitioner originally filed a petition under 37 CFR 1.378(b). However, after a telephone discussion with Steven Brantley of the Office of Petitions, petitioner orally made the decision to withdraw the petition under 37 CFR 1.378(b) and to file a petition under 37 CFR 1.378(c) instead. Later, petitioner called Steven Brantley and informed him that the petition and additional money for the surcharge had been filed. Office records indicate receipt of the monetary funds but the petition has not been matched with the file. Petitioner has indicated a strong desire for a decision to be rendered as soon as possible. Petitioner does not have a phone and therefore the Office cannot call petitioner and request an additional paper copy. For the above reasons, the telephone conversations will be construed as a petition under 37 CFR 1.378(c) and a withdrawal of the petition under 37 CFR 1.378(b). If this is an improper interpretation of the telephone conversations, petitioner should contact the Office immediately.